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<i>Here is the law that places new hires under Social Security.</i>					
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STAT

PUBLIC LAW 98-21—APR. 20, 1983

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97 STAT. 65
6 MAY 1983

Public Law 98-21
98th Congress

An Act

To assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

Apr. 20, 1983
[H.R. 1900]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security
Amendments of
1983.

SHORT TITLE

SECTION 1. This Act, with the following table of contents, may be cited as the "Social Security Amendments of 1983".

42 USC 1305
note.

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TITLE I—PROVISIONS AFFECTING THE FINANCING OF THE SOCIAL SECURITY SYSTEM**PART A—COVERAGE****COVERAGE OF NEWLY HIRED FEDERAL EMPLOYEES**

Sec. 101. (a)(1) Section 210(a) of the Social Security Act is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following: 42 USC 410.

“(5) Service performed in the employ of the United States or any instrumentality of the United States, if such service—

“(A) would be excluded from the term ‘employment’ for purposes of this title if the provisions of paragraphs (5) and (6) of this subsection as in effect in January 1983 had remained in effect, and

“(B) is performed by an individual who (i) has been continuously in the employ of the United States or an instrumentality thereof since December 31, 1983 (and for this purpose an individual who returns to the performance

of such service after being separated therefrom following a previous period of such service shall nevertheless be considered upon such return as having been continuously in the employ of the United States or an instrumentality thereof, regardless of whether the period of such separation began before, on, or after December 31, 1983, if the period of such separation does not exceed 365 consecutive days), or (ii) is receiving an annuity from the Civil Service Retirement and Disability Fund, or benefits (for service as an employee) under another retirement system established by a law of the United States for employees of the Federal Government (other than for members of the uniformed services);

except that this paragraph shall not apply with respect to—

“(i) service performed as the President or Vice President of the United States,

“(ii) service performed—

“(I) in a position placed in the Executive Schedule under sections 5312 through 5317 of title 5, United States Code,

“(II) as a noncareer appointee in the Senior Executive Service or a noncareer member of the Senior Foreign Service, or

“(III) in a position to which the individual is appointed by the President (or his designee) or the Vice President under section 105(a)(1), 106(a)(1), or 107 (a)(1) or (b)(1) of title 3, United States Code, if the maximum rate of basic pay for such position is at or above the rate for level V of the Executive Schedule,

“(iii) service performed as the Chief Justice of the United States, an Associate Justice of the Supreme Court, a judge of a United States court of appeals, a judge of a United States district court (including the district court of a territory), a judge of the United States Claims Court, a judge of the United States Court of International Trade, a judge of the United States Tax Court, a United States magistrate, or a referee in bankruptcy or United States bankruptcy judge.

“(iv) service performed as a Member, Delegate, or Resident Commissioner of or to the Congress, or

“(v) any other service in the legislative branch of the Federal Government if such service is performed by an individual who, on December 31, 1983, is not subject to subchapter III of chapter 83 of title 5, United States Code;

“(6) Service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

“(A) in a penal institution of the United States by an inmate thereof;

“(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

“(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;”.

5 USC 8331.

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(2) Section 210(p) of such Act is amended by striking out "provisions of—" and all that follows and inserting in lieu thereof "provisions of subsection (a)(5)."

96 Stat. 560.

42 USC 410.

(b)(1) Section 3121(b) of the Internal Revenue Code of 1954 is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

26 USC 3121.

"(5) service performed in the employ of the United States or any instrumentality of the United States, if such service—

"(A) would be excluded from the term 'employment' for purposes of this title if the provisions of paragraphs (5) and (6) of this subsection as in effect in January 1983 had remained in effect, and

"(B) is performed by an individual who (i) has been continuously in the employ of the United States or an instrumentality thereof since December 31, 1983 (and for this purpose an individual who returns to the performance of such service after being separated therefrom following a previous period of such service shall nevertheless be considered upon such return as having been continuously in the employ of the United States or an instrumentality thereof, regardless of whether the period of such separation began before, on, or after December 31, 1983, if the period of such separation does not exceed 365 consecutive days), or (ii) is receiving an annuity from the Civil Service Retirement and Disability Fund, or benefits (for service as an employee) under another retirement system established by law of the United States for employees of the Federal Government (other than for members of the uniformed services);

except that this paragraph shall not apply with respect to—

"(i) service performed as the President or Vice President of the United States,

"(ii) service performed—

"(I) in a position placed in the Executive Schedule under sections 5312 through 5317 of title 5, United States Code,

"(II) as a noncareer appointee in the Senior Executive Service or a noncareer member of the Senior Foreign Service, or

"(III) in a position to which the individual is appointed by the President (or his designee) or the Vice President under section 105(a)(1), 106(a)(1), or 107 (a)(1) or (b)(1) of title 3, United States Code, if the maximum rate of basic pay for such position is at or above the rate for level V of the Executive Schedule,

"(iii) service performed as the Chief Justice of the United States, an Associate Justice of the Supreme Court, a judge of a United States court of appeals, a judge of a United States district court (including the district court of a territory), a judge of the United States Claims Court, a judge of the United States Court of International Trade, a judge of the United States Tax Court, a United States magistrate, or a referee in bankruptcy or United States bankruptcy judge,

"(iv) service performed as a Member, Delegate, or Resident Commissioner of or to the Congress, or

"(v) any other service in the legislative branch of the Federal Government if such service is performed by an

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5 USC 8331.

individual who, on December 31, 1983, is not subject to subchapter III of chapter 83 of title 5, United States Code; “(6) service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

“(A) in a penal institution of the United States by an inmate thereof;

“(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

“(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;”

96 Stat. 559.
26 USC 3121.

(2) Section 3121(u)(1) of such Code is amended to read as follows:

“(1) IN GENERAL.—For purposes of the taxes imposed by sections 3101(b) and 3111(b), subsection (b) shall be applied without regard to paragraph (5) thereof.”

42 USC 409.

(c)(1) Section 209 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

“For purposes of this title, in the case of an individual performing service under the provisions of section 294 of title 28, United States Code (relating to assignment of retired justices and judges to active duty), the term ‘wages’ shall, subject to the provisions of subsection (a) of this section, include any payment under section 371(b) of such title 28 which is received during the period of such service.”

26 USC 3121.

(2) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages in certain cases) is amended by adding at the end thereof the following new paragraph:

“(5) SERVICE PERFORMED BY CERTAIN RETIRED JUSTICES AND JUDGES.—For purposes of this chapter, in the case of an individual performing service under the provisions of section 294 of title 28, United States Code (relating to assignment of retired justices and judges to active duty), the term ‘wages’ shall, subject to the provisions of subsection (a)(1) of this section, include any payment under section 371(b) of such title 28 which is received during the period of such service.”

Effective date.
26 USC 3121
note.

(d) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983.

Entitlements.
42 USC 410 note.

(e) Nothing in this Act shall reduce the accrued entitlements to future benefits under the Federal Retirement System of current and retired Federal employees and their families.

COVERAGE OF EMPLOYEES OF NONPROFIT ORGANIZATIONS

42 USC 410.

SEC. 102. (a) Section 210(a)(8) of the Social Security Act is amended—

(1) by striking out “(A)” immediately after “(8)”;

(2) by striking out “subparagraph” where it first appears and inserting in lieu thereof “paragraph”; and

(3) by striking out subparagraph (B).

26 USC 3121.

(b)(1) Section 3121(b)(8) of the Internal Revenue Code of 1954 is amended—

(A) by striking out “(A)” immediately after “(8)”;